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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of Discrimination
and Protection of Minorities
Working Group on Contemporary Forms
of Slavery
Sixteenth session
29 July-2 August 1991
Items 4 and 5 of the provisional agenda

# PREVENTION OF TRAFFIC IN PERSONS AND THE EXPLOITATION OF THE PROSTITUTION OF OTHERS

# REVIEW OF DEVELOPMENTS IN OTHER FIELDS OF CONTEMPORARY FORMS OF SLAVERY

## Information received from non-governmental organizations

## Note by the Secretary-General

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## I. Introduction

1. By its decision 16 (LVI) of 17 May 1974, the Economic and Social Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish a five-member working group to review developments in the field of the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others as defined in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949.

2. At its fortieth session, the Sub-Commission, by resolution 1988/31, approved the programme of work of the Working Group on Contemporary Forms of Slavery for the period 1989-1991. This programme of work (contained in chapter VI of the report of the Working Group on its thirteenth session (E/CN.4/Sub.2/1988/32)) included three main themes to be discussed in successive years: prevention of the sale of children, of prostitution of children and of the use of children in pornography (1989); eradication of the exploitation of child labour and of debt bondage (1990); and prevention of traffic in persons and of the exploitation of the prostitution of others (1991),

3. A letter dated 28 December 1990 was sent by the Secretary-General to the non-governmental organizations concerned, inviting them to submit information on various forms of slavery to the Working Group and drawing their attention to the main theme to be singled out for discussion at the sixteenth session of the Working Group in 1991, i.e. prevention of traffic in persons and exploitation of the prostitution of others.

4. By 15 May 1991, the following non-governmental organizations had submitted their communications: the International Abolitionist Federation, the International Committee of the Red Cross and the International Federation Terre des Hommes. In the second half of 1990, however, the Centre for Human Rights also received communications in answer to the letter of 26 January 1990 inviting NGOs to submit information to the fifteenth session of the Working Group; the communications from the International Federation Terre des Hommes, the International Textile, Garment and Leather Workers' Federation and the Inter-Parliamentary Union were received too late to be included in the documents prepared for the fifteenth session of the Working Group. The summaries of these two series of communications are reproduced below.*

5. Additional replies, if any, will be published in addenda to the present document.

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* The full texts of the replies received are available for consultation in the secretariat files.

INTERNATIONAL ABOLITIONIST FEDERATION

[7 May 1991]
[Original: English]

1. As a follow up to the Thirtieth International Congress, the International Abolitionist Federation (IAF) proposes to undertake the following action programme during 1991-1993 towards achieving its objectives:

(a) Organize specific projects, with the help of its national affiliates and other NGOs, which will directly benefit women, men and children, victims of traffic and sexual exploitation.

(b) Sensitize public opinion on sexual exploitation with the aid of various methods of information which are available to the IAF and its member organizations (documents, interventions, films, campaigns) and a wider dissemination of the "International Prostitution Files".

(c) Organize at least two more regional conferences, one in Africa and the other in Latin America: (i) to mobilize local action both at the governmental and non-governmental levels against sexual abuse and exploitation of human beings, and (ii) to identify specific causes for the perpetuation and increase in the problem of sexual abuse and exploitation, in particular paedophilia. This information will provide better understanding to tackle the problem regionally.

(d) Participate in the campaign of the Ecumenical Coalition on Third World Tourism: (i) through creating in the concerned countries working and pressure groups (of individuals and associations) and (ii) make an input in the conference to be held in Bangkok in 1991 or 1992 by raising the interest of high-level political officials.

(e) Follow up the programme of action on the abolition of child labour which was drafted by the IAF - together with other NGOs - and adopted by the Working Group on Contemporary Forms of Slavery in 1989, laying particular emphasis on the relationship of debt bondage and child prostitution.

(f) Organize with other NGOs a campaign with letters, postcards and other means possible to enable public opinion to call upon governments and other competent authorities to implement article 34 on sexual exploitation of the Convention of the Rights of the Child, starting out with situations or events which exist or are prevalent in their respective countries.

(g) Make every effort to publish in English and French - if possible also in German and Spanish - the report of the Thirtieth International Congress of the IAF and make it available with the resolutions to all participants, national governments and NGOs and international and United Nations Agencies for information and for appropriate action to achieve the IAF's objectives.

2. In September 1990 the Thirtieth International Congress of the International Abolitionist Federation adopted the following resolution:

"Believing that the exploitation of prostitution is a violation of human rights and that children are its first victims:

I. The Congress expresses its grave concern at:

(1) The worldwide increase and spread of prostitution and the exploitation of prostitution, particularly of child prostitution, in a situation likely to be aggravated by political and economic changes and military aggression;

(2) The growth of sex tourism which exploits the poverty of the inhabitants of third world countries and stimulates the traffic in persons;

(3) The spread of AIDS and its fatal consequences which add to the health hazards which the sexually transmitted diseases have always presented to prostitutes and clients alike;

(4) The increase in the production and distribution of pornography and its harmful effects on children and adults, particularly when 'hard core' films and videos depict scenes of violence and cruelty to child and adult victims, sometimes leading to their death;

(5) Increasing revelations of the sexual abuse of children, a subject formerly taboo, with its serious and long-term effects on ther physical and mental health;

(6) Increasing reports that babies and children are being maimed and often killed to provide organs for transplant;

(7) The trivialization by the media of the image of women.

II. The Congress:

(1) Urges all Governments to ratify or accede to the following Bill and Conventions if they have not already done so: International Bill of Human Rights, Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (2 December 1949), Convention on the Elimination of all Forms of Discrimination against Women (18 December 1979) and Convention on the Rights of the Child (20 November 1989);

(2) Urges Governments to give top priroity to an action programme to fulfil the basic need of every citizen for food, shelter, clothing and health care and to direct funds to investrent in long-term social welfare programmes;

(3) Urges Governments to strengthen the judicial system and enforcement of law in order to take penal action against paedophiles, procurers, pimps and clients who are responsible for the ever rising demand in the sex market; and calls upon the public generally to condemn the sexually irresponsible and perverted men whose demand for sex objects is stimulated by the exploiters of prostitution;

(4) Urges the General Assembly of the United Nations to approve the proposal of the Economic and Social Council that the second day of December each year shall be officially declared to be the International Day for the Abolition of Slavery in All its Forms;

(5) Proposes to the Commission on Human Rights that it should examine the possibility of recommending the adoption of a United Nations Decade against Sexual Slavery from 1992-2001;

(6) Recommends to the Secretary-General of the United Nations that a unit should be created which would be charged exclusively with the responsibility of coordinating, in liaison with other United Nations organs and agencies, international institutions and non-governmental organizations, activities relating to the suppression of the traffic in persons and of the exploitation of the prostitution of others, and all other forms of sexual exploitation;

(7) Calls upon the World Health Organization to intensify and broaden its efforts to contain, reduce and ultimately prevent the spread of AIDS, to resist all attempts to achieve this by regulationist measures directed against prostitutes, and to discourage all members of the public from sexually promiscuous behaviour, whether spontaneous or commercialized;

(8) Invites the World Tourist Organization to give practical effect to the Tourist Bill of Rights and Tourist Code, particularly Articles IV(e) and XI(2)(d) which are designed to prevent tourism being used for prostitution purposes;

(9) Calls upon UNICEF to ensure that their situation analysis and actions in favour of children worldwide take account of children in prostitution and children who are victims of sale and traffic of all kinds;

(10) Calls upon professional organizations of journalists and the directors of television channels and radio stations, in conformity with article 17 of the Convention on the Rights of the Child, to develop appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of article 13 (freedom of expression), article 18 (parental responsibilities), article 34 (sexual exploitation) and article 35 (abduction and sale);

(11) Encourages the media to disseminate information on social welfare and human rights issues;

(12) Urges the United Nations to adopt a global programme of action (through the General Assembly) against sexual abuse and slavery on lines similar to that adopted on drug abuse and illicit trafficking;

(13) Addresses an urgent appeal to every citizen of all countries in the world to join personally in the struggle of the International Abolitionist Federation to remove from humanity's future this unacceptable and dangerous scourge, the sexual exploitation of adults and children."

INTERNATIONAL COMMITTEE OF THE RED CROSS

[5 March 1991]
[Original: French]

1. The mandate of the ICRC is to protect and assist military and civilian victims of armed conflicts and internal strife and tension. In that specific context, it is concerned with children who, because of their vulnerability, need special protection. Through its action on behalf of the victims of such situations, it seeks to protect children better and to promote their rights.

2. The recruitment of children and their involvement in hostilities are unacceptable practices, forbidden by the Additional Protocols of 1977 to the Geneva Conventions of 1949. These instruments prohibit the recruitment of children under 15 years of age into the armed forces. These treaties urge States to give priority to those who are oldest when recruiting children from 15 to 18 years of age. Furthermore, no less than 25 provisions of the Geneva Conventions and their Additional Protocols afford special protection to children as particularly vulnerable human beings.

3. Despite the protection afforded to children under the law, they continue to be recruited into the armed forces and participate in hostilities. Accordingly, efforts should be directed mainly towards enforcing existing provisions. There is no doubt that the recommendations of the Working Group will be an important step in that direction. These recommendations are of considerable interest to us; we would therefore be grateful if you would send us a copy of them once they are adopted.

INTERNATIONAL FEDERATION TERRE DES HOMMES

[9 July 1990]
[Original: French]

1. The FITDH is much concerned over the question of civilians who are in any way victims of an armed conflict. Too many people, and in particular children, are not receiving the protection to which they are entitled under the provisions of the international humanitarian law in force. The same is true of internal refugees, who cannot be assisted by international bodies and who are all too often deprived of care because the opposing forces deny humanitarian organizations access to the places where they are located. Thus, internal refugee children run the risk of premature death because of the unhealthy conditions to which they are exposed, malnutrition and the risk of epidemics.

2. In the opinion of FITDH, violence and armed conflicts lead to the denial of all the fundamental rights of children and deprive children of their youth. The FITDH has submitted a written communication on the subject to the forty-sixth session of the Commission on Human Rights (E/CN.4/1990/NGO/23). Furthermore, a child who has known only violence will generally be able to reproduce only violence. He may well become an aggressive person who will prove a danger to society when that society tries to re-establish peace.

3. Children are the best investment for the future, and the destruction of their positive potential through violence will have incalculable consquences on future generations. The link between the physical and mental development of children and the economic and social development of nations is becoming increasingly obvious, and the forums that disregard the future contribution of children do so at their own risk.

4. As far as they are able, the members of the FITDH attempt to resolve the situation of child victims of violence and armed conflict. They support numerous projects, such as projects for refugee children, child victims of apartheid and projects for the rehabilitation of children affected by violence. They also publish certain documents on this subject to inform the public, in particular the European public, of the damaging effects of violence on children. One member of the FITDH, Terre des Hommes-Suisse (Basel), for example, has published a paper in German on this subject.

5. The FITDH, one of whose projects is the annual commemoration of the adoption of the Convention on the Rights of the Child, has chosen "Children and war" as its theme for a seminar on 20 November 1990. On that occasion, its efforts will be directed towards promoting international humanitarian law, many provisions of which award special protection to children in situations of armed conflict. In the opinion of the FITDH, the Geneva Conventions of 1949 and Additional Protocols of 1977 are valuable instruments for the protection of children and civilians in general, if all requisite measures are taken to enforce their provisions. Regarding child soldiers, the FITDH regrets that the Convention on the Rights of the Child, whose great value it none the less recognizes, somewhat weakens the rules of international humanitarian law in force.

6. Finally, the FITDH is in favour of a continuing cooperation among the governmental and non-governmental international organizations on all issues related to the prevention of violence against children and the rehabilitation of children traumatized by armed conflicts, and it is prepared to contribute to such cooperation. Moreover, the FITDH would like to recommend that all States should pursue the disarmament campaign already under way and devote a portion of the sums thus released to specific measures to enforce the Convention on the Rights of the Child.

## INTERNATIONAL FEDERATION TERRE DES HOMMES

[14 March 1991]
[Original: French]

1. The exploitation of the prostitution of others is a gross violation of a large number of human rights. It endangers the dignity and integrity of the human person and produces considerable illicit profits. Its situation is specific to each country and must be studied as such, even though common factors may exist at the regional or international level. The situation concerning the exploitation of prostitution varies from State to State for it is dependent, inter alia, on historical factors, standard of living, social policy, culture, the relaxation in standards of behaviour, the break-up of family values and sexual tourism.

2. It is very difficult to obtain reliable statistics on the exploitation of child prostitution, for it falls within the sphere of illegality. Child prostitution is affecting more and more children, at a younger and younger age. Once they are involved in prostitution, children have very little chance of leaving it and returning to a normal life, for they have generally lost their most valuable years in terms of social education, schooling and vocational training.

3. In Kenya, girls are the most vulnerable members of the family. Many become pregnant as soon as they reach puberty. They then find it very difficult to find a husband. Many girls in the towns have unwanted pregnancies. They are prepared to have sexual relations in order to buy food and clothing. Their mothers, who have considerable influence over them, sometimes encourage them to prostitute themselves to earn money. Once they have a child, the girls must meet the child's needs. They then enter the vicious circle of prostitution. In Nairobi, there have been cases of girls prostituting themselves in order to pay for their schooling.

4. In India, prostitution, especially among children, is very widespread in the major cities. A study on Bombay has shown that 25 per cent of prostitutes had been kidnapped and then sold, 8 per cent had been sold by their fathers after being subjected to incestuous relations and 6 per cent had been sold following a rape. In Poona, 15 per cent of the prostitutes had been sold by their husbands. The sale of children for the purposes of prostitution is commonplace, especially in Bihar. This phenomenon appears to be on the increase.

5. In Sri Lanka, the number of young people who are full-time or part-time prostitutes can be estimated at over 10,000. Three quarters of them come from the most disadvantaged areas, especially rural areas. The main clients of this prostitution are northern Europeans and North Americans. The effects of this sexual tourism, which has not been checked by the civil war, are frightening. The children are often so young that they cannot even explain what happened to them. Gifts as well as very small amounts of money enable Western tourists to have what they want. But the children's hope of being taken abroad is usually dashed. Finally, the older they get, the harder it is for them to live from prostitution. But by then it is usually too late to complete their schooling or take up training. These children also suffer from psychological disturbances, and their taste for luxury makes it practically impossible for them to reintegrate into society with a lower income. Thus they are virtually doomed <u>de facto</u> to marginality and criminality.

6. The member movements of FITDH are reacting to the scourge of child prostitution. Some of them (TDH-Switzerland and TDH-Germany) are participating in the world campaign against child prostitution. The starting point of this campaign is the fact that sexual tourism in South-East Asia has largely contributed to the current increase in child prostitution. In Germany, this campaign will involve informing the public about this sexual tourism and its disastrous effects, stimulating public discussion, encouraging the Government to act in order to punish or treat the culprits once they return to their country and helping child victims of sexual tourism.

7. Similarly, in Brazil, street children who are girls receive even less attention from the authorities than boys. In Recife, a FITDH member is supporting a project to help approximately 500 street girls threatened with prostitution. The project is based on observing their daily life and understanding the factors that comprise it. It includes a reception centre for these girls and a telephone line, "SOS-STREET GIRLS". Literacy, cooking, sewing and art courses are provided, and the reception centre endeavours to train these young girls to lead a normal life.

8. Concerning the exploitation of child labour, in Guatemala City 11 per cent of children 10 to 14 years of age and 42 per cent of young people 15 to 19 years of age are forced to work regularly to assure their own and their families' survival. Their work schedules are very heavy (over 40 hours per week) and their wages minimal. The number of street children has been increasing regularly for five or six years. It is difficult to ascertain their exact number, but in any event it is thought to exceed 28,000. To redress this situation, a FITDH member is sponsoring a project for street children and is using specialized educators. The project consists of establishing reception centres that provide literacy courses, vocational training and resources for purchasing the materials needed to perform a job. The project managers have noted that the chances of reintegrating street children with their families and society are minimal once they are organized in gangs. Another project is intended for the children of the San José shanty towns. These children, who have very little chance of attending school, go to the capital where they are forced to work, to prostitute themselves or fall into crime. This project provides teaching that is suited to the circumstances of children in difficulty, addressing problems they may confront, such as exploitation or prostitution. These problems are not dealt with in the ordinary education system. The ultimate goal of the project is to provide the beneficiaries with some degree of self-sufficiency.

9. In Indonesia, the exact number of children who work regularly is difficult to determine. They are estimated to make up over 4 per cent of the total working population. A number of these children also go to school. Child labour is used in both rural and urban areas. Children participate in agricultural, industrial or domestic activities. Many of them are homeless and work in the street selling, shining shoes or begging. Most of them receive paltry wages for very long working hours. They are not unionized, and the girls are often exposed to sexual violence. In the village of Delanggu, 20 km from Solo, the deterioration of the economic situation has forced children to take part in the production of home-made knives, which has been the traditional activity of this village for centuries. This cottage industry involves approximately 300 families and employs some 400 children. The children who work also go to school, which means that they have a very long day and no opportunity to play or rest. Because of this, some of them refuse to go to school, thereby jeopardizing their future. The children work hard and conscientiously, in unhealthy conditions, for they know that their survival depends on the number of knives they produce. In the town of Malang, there are many street children. Some left their homes because they had been forced to work in order to help their families to survive, but also in order to purchase products that were not basic necessities, such as television sets. When these children work, they have very long hours and are often tracked down by the police who try to take them away to detention centres. Despite all their difficulties, the street children of Malang have retained a lively and inventive spirit and a certain joyfulness characteristic of their age.

10. In India, in Firuzabad, children account for 20 per cent of the work-force in the glass industry. Their work is performed in premises where the temperature reaches 40-45° C, which makes it unbearable in summer. These children have all kinds of health problems. In Uttar Pradesh, children work from 14 to 18 hours a day for very low wages. In the eastern part of the State, the carpet industry employs over 75,000 children in difficult and unhealthy conditions and in spite of the legislation in force. When the children's hands are no longer slender enough to do the knotting work they become unemployed, for they have received no training. They are beaten when they make mistakes, and when they fall ill either they are not cared for or the money spent on their care is deducted from their wages. Finally, in Calcutta, there are said to be over 35,000 child workers aged between 10 and 16. Seventy-five per cent of them are completely illiterate, and the others left school at the primary level.

11. In conclusion the FIDTH would like to recommend that the Working Group on Contemporary Forms of Slavery should:

(1) Study the cultural aspects of the exploitation of the prostitution of others, in particular the mechanisms that lead to family organization based on archaic principles such as inequality between the sexes or the fact that children are considered to be their parents' property;

(2) Conduct individual case studies in the light of the specific features of the culture that produced the cases, to identify the most frequent causes of the exploitation of the prostitution of others;

(3) Stress in all its reports the importance of the family and family values as elements for preventing the practice of prostitution;

(4) Use the various media to disseminate its reports and conclusions;

(5) Encourage States to punish more severely persons who benefit from child prostitution in any way;

(6) Encourage the NGOs to publicize the projects they have conducted to prevent the exploitation of the prostitution of others in the light of their degree of success and to disseminate widely their conclu 'ons to States;

(7) Recommend that the United Nations bodies concerned should establish an emergency procedure to help child victims of any form of exploitation;

(8) Encourage States to cooperate with local authorities to establish, if necessary, telephone assistance lines that are free and accessible to children of any age who are victims of any violation of their rights.

INTERNATIONAL TEXTILE, GARMENT AND
LEATHER WORKERS' FEDERATION

[28 October 1990]
[Original: English]

The Executive Committee of the International Textile, Garment and Leather Workers' Federation, meeting in Caracas from 28 to 30 October 1990;

Recalling the United Nations Convention on the Rights of the Child adopted at its forty-fourth session in November 1989; recent surveys showing child labour in a number of countries to be reaching 25 per cent of the labour force;

Further recalling the Resolution on Child Labour adopted by the Fifth World Congress of the ITGLWF in Tokyo in September 1988;

Deeply concerned that despite the growing awareness of this scandalous form of exploitation, child labour persists and in many countries, developed and developing, is growing, with children often forced to work for long hours in deplorable conditions in the textile, clothing and leather industries exposed to toxic fumes and chemicals, and deprived of basic education;

Calls on all Governments quickly to ratify and strictly implement the United Nations Convention on the Rights of the Child and ILO Convention No. 138 concerning Minimum Age for the Admission to Employment, and related ILO Conventions and Recommendations;

Condemns the increasing number of employers who knowingly and wilfully employ children as cheap labour in defiance of the international conventions and laws of the country concerned;

Demands the involvement of trade unions at all levels to increase the awareness of the exploitation of children in employment, and to improve and enforce national legislation prohibiting child labour;

Appeals to all ITGLWF affiliates to intensify efforts at seeking the eventual abolition of child labour through active campaigns;

Requests all affiliates to act against Governments and employers exploiting child labour by:

- vigilant monitoring of the implementation of the United Nations Convention on the Rights of the Child, and relevant ILO Conventions and Recommendations;

- promoting and demanding economic and social policies to eradicate poverty and illiteracy which are the root causes of child labour;

- increasing pressure on Governments urgently to create appropriate educational opportunities for children who are already working, or who might otherwise become child workers;

- alerting public opinion, both nationally, regionally and internationally, for intensive action against child labour;

- pressing companies, national and multinational, to ensure that they or their suppliers do not use child labour and promoting boycott action against them if they refuse.

INTER-PARLIAMENTARY UNION

[2 July 1990]
[Original: English]

The eighty-first Inter-Parliamentary Conference,

Background

Noting that 30 years have passed since the adoption of the Declaration of the Rights of the Child and 10 years since the proclamation of the International Year of the Child,

Recalling that the need to extend special care to the child is stated in the 1924 Geneva Declaration and in the Declaration of the Rights of the Child adopted by the United Nations in 1959, and that this need is recognized by the International Covenant on Civil and Political Rights and by the International Covenant on Economic, Social and Cultural Rights,

Underlining the commendable efforts and achievements of the United Nations in promoting and protecting the rights of children, as well as the irreplaceable role of UNICEF and the work of non-governmental organizations in safeguarding the lives and well-being of children throughout the world,

Noting the consistent work of the Inter-Parliamentary Union in improving the well-being of children and protecting their rights, reflected by the resolutions and recommendations adopted by various IPU Conferences and specialized meetings held in different parts of the world since 1931,

United Nations Convention on the Rights of the Child

Expressing satisfaction that the second reading of the draft Convention on the Rights of the Child submitted to the United Nations Commission on Human Rights has been completed, and that the draft is being considered by the United Nations Economic and Social Council with a resolution that it be adopted by the United Nations General Assembly at its forty-fourth session,

Convinced that the draft International Convention on the Rights of the Child, as an achievement of the United Nations in setting legally binding standards in the field of human rights, represents a positive contribution to the protection of the rights of children and of their well-being,

The situation of children

Stressing, however, that children have special needs during their physical and mental development and therefore require special care, protection and their own rights,

Convinced that the family plays a fundamental role in the education and development of the child,

Appalled that more than 40,000 children, primarily in developing countries, continue to die each day from common childhood diseases which can be prevented,

Deeply concerned that millions of children live in conditions of extreme poverty, suffer from malnutrition, hunger, illness, maltreatment and environmental pollution, and lack social provision for their physical and mental development,

Further concerned that children are also victims of war, are refugees or homeless, that they suffer as a result of apartheid or racial or other discrimination or of colonial or foreign domination, that they are subject to neglect, physical abuse, abduction, illegal trafficking or drug abuse, or are exploited for the purposes of labour, prostitution or pornography,

Also concerned at the potential threat to children posed by recent technological developments, particularly in the field of biological and genetic engineering, and by uncontrolled access to many kinds of electronic transmissions,

The economic factor

Realizing that the total debt of the developing world is over 1 trillion dollars and that the most onerous effects of such debt are borne by children, and aware that since 1979, arms imports by developing countries have added 15 per cent annually to their growing debt, diverting already scarce resources which could have been spent on child welfare,

Noting that the situation of children in developing countries is worsening owing to sharp cuts in health and education spending made in the context of structural adjustment programmes designed to cope with the growing debt burden,

Emphasizing that the rights of children should be protected in all circumstances, regardless of ethnic background, nationality, race or religion,

Implementation of the Convention

1. Welcomes the many precise, concrete provisions in the draft Convention on the Rights of the Child which concern children's rights to protection and services and to participate in social life, and their right to their own life;

2. Stresses the importance of the measures provided for in the draft Convention to examine progress made by States parties in fulfilling their obligations, in particular the importance of the future Committee on the Rights of the Child;

3. Calls on the Parliaments of all States to urge their respective Governments to accede to this Convention and to ratify it as soon as possible after its adoption by the United Nations General Assembly at its forty-fourth session;

4. Asks each Parliament and Government to make the necessary changes to national legislation to align it with the provisions of the Convention, it being understood that this process cannot lead to a restriction of any more favourable rights which may exist in each State;

5. Recommends that each State adopt information policies aimed at making both children and adults aware of the measures taken to promote children's rights and of progress made in the achievement of those rights;

Action of Parliaments

6. Strongly urges parliamentarians the world over to propose new legislation in fields such as taxation, social security, labour, housing, health care, working hours, parental leave, education and services, that will enable parents to ensure that their children enjoy the best possible conditions for their psychological, physical, intellectual, and emotional development;

7. Also strongly urges Parliaments to consider the means by which they can most effectively monitor and contribute to the implementation of children's rights in their own countries by establishing ombuds institutions for children;

8. Calls on all Parliaments, governmental bodies, non-governmental organizations, religious and community groups, and society as a whole to join in a grand alliance for the defence and protection of children's rights;

9. Calls on Parliaments to present initiatives to strengthen families and to promote family stability:

(a) Particularly to ensure the protection of the most underprivileged families by improving their living conditions;

(b) By supporting parental education programmes in health, nutrition and family planning; and

(c) By providing programmes in family planning, immunization and primary health care, making them known and ensuring economic and geographical access to them;

10. Calls on all States to minimize the deleterious effects of technology on children by instituting adequate controls and safeguards;

11. Also calls on Parliaments to improve the draft Convention so that minors, including children under the age of 18, are neither recruited into combatant armed forces nor recruited to take part in hostilities, and stresses that the protection accorded by the Convention should be at least equivalent to that accorded by the Geneva Conventions of 1949 and the two Additional Protocols of 1977;

12. Strongly urges Heads of State and Government to convene a summit meeting on children's problems, set concrete goals and take positive action to protect the children of today who will make up the world of tomorrow;

13. Urges Governments and international organizations to ensure that in the implementation of development programmes, priority is given to the well-being of children;

14. Strongly denounces violations of the rights of children which result from armed conflict, undemocratic or racist policies and foreign occupation, and urges all Governments to contribute to the protection of the rights of children who are oppressed by the inhuman policy of apartheid, who live in occupied territories or who are refugees;

Economic considerations

15. Stresses that the rights of children can best be advanced and guaranteed through concerted efforts by the whole international community to establish a just international economic order and to settle conflicts and remove hotbeds of tension by means of dialogue and negotiations, so that the precarious situation of children in developing countries may be redressed;

16. Appeals to the industrialized nations and to international monetary authorities to provide debt relief to third world debtor nations and increase assistance to them so that they can release more resources to fund children's programmes;

17. Urges all Governments to support disarmament measures and to use the funds released to secure the economic and social development of children the world over, especially in developing countries;

Special concerns

18. Urges all States to guarantee that children are protected against exploitation in the work force in accordance with international labour conventions and article 32 of the draft Convention on the Rights of the Child;

19. Calls on all Parliaments to ensure that girls are given equal opportunities with boys in all spheres of society, in particular in education, health care, food and equal remuneration for work;

20. Recognizes the right of children belonging to national or ethnic minorities to enjoy their own culture and receive instruction in their mother tongue;

21. Calls on Parliaments to take appropriate measures to strengthen international cooperation for the protection of children's rights in the area of custody, support and visitation where appropriate, and to enable adopted children to maintain contact with their native language, culture and heritage;

22. Urges Parliaments to review national law and practice, as they concern juveniles, to ensure compatibility with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the "Beijing Rules"), adopted by the United Nations General Assembly resolution 40/33 of 29 November 1985, and to support present efforts to adopt guidelines on delinquency prevention (the "Riyadh Rules") and Standard Minimum Rules for the Protection of Juveniles Deprived of their Liberty;

23. Calls on donor countries to increase their voluntary contributions to the Special Programme for Sub-Saharan African Countries Affected by Drought and Desertification of the International Fund for Agricultural Development (IFAD), which has made it possible to improve significantly the quality of nutrition of the most vulnerable population groups concerned, thereby reducing infant mortality, also calls on donor countries to increase their contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and requests all parties concerned to facilitate the mission of UNRWA.

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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of Discrimination
and Protection of Minorities
Working Group on Contemporary Forms of Slavery
Sixteenth session
29 July-2 August 1991
Items 4 and 5 of the provisional agenda

# PREVENTION OF TRAFFIC IN PERSONS AND THE EXPLOITATION OF THE PROSTITUTION OF OTHERS

## REVIEW OF DEVELOPMENTS IN OTHER FIELDS OF CONTEMPORARY FORMS OF SLAVERY

Information received from non-governmental organizations

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## INTERNATIONAL COMMITTEE OF THE RED CROSS

[4 June 1991]
[Original: French]

1. ICRC was extremely interested to learn of resolution 1991/55 of the Commission on Human Rights, entitled "Programme of action for the elimination of the exploitation of child labour".

2. ICRC's mandate is to protect and assist the military and civilian victims of armed conflicts and of domestic strife and tension. It is within this specific context that it concerns itself with the fate of children who, on account of their vulnerability, require special protection. The Committee seeks to protect children better and to promote their rights through its action on behalf of the victims of such situations.

FRIENDS WORLD COMMITTEE FOR CONSULTATION

[12 June 1991]
[Original: English]

Children at War: Spies

1. The international protocols of 1977, additional to the Geneva Conventions of 1949, include a provision stating that:

> "The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into the armed forces. In recruiting among those persons who have attained the age of fifteen but who have not attained the age of eighteen years, the parties to the conflict shall endeavour to give priority to those who are the oldest."

The Convention on the Rights of the Child, adopted by the United Nations General Assembly in 1989, included similar provisions.

2. In line with the interdiction on children's participation in war, the UNICEF conference on "The Protection of Children in Armed Conflict in Africa" had deplored:

> "the alarming trend of parties at war to recruit minors and to use them for all sorts of dangerous missions such as the detection of mines, the transport of munitions, spying on enemy territory, and combat in the front lines." 1/

3. The role of children as spies in conflicts around the world is not well known, so it is worthwhile examining a few historical examples. In past ages child soldiers and child spies have sometimes been looked upon as heroes rather than victims, so it is useful to re-examine what is happening in current wars so as to determine whether modern child spies are functioning under different conditions. Then it may be easier to understand why human rights advocates and child protection agencies as well as the peacemaking forces believe that, in addition to the general standards set in international humanitarian law to keep all children under 15 out of hostilities, international measures should be devised to discourage war leaders from turning children into spies.

4. Various United Nations agencies, meetings organized under their auspices, as well as certain non-governmental organizations concerned with the study or protection of children's rights, have spoken out against the use of children as spies in the wars of the late twentieth century. These organizations have protested against the use of force to make children spy. Some of the child

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1/ Jacques Barrin, "Les Enfants dans la Guerre", La Monde, Paris, 7 August 1987.

spies have been the children of the enemy pressured into traitorous acts; some have been war orphans with no adults to protect them; some have been refugees uprooted from the usual constraints of the home society; and some have been captives who were considered disposable by their captors. Their right to choose freely was flouted.

5. Various organizations have protested because of the physical danger to the child spy operating in enemy territory, often without means of self-defence and in danger of torture and death should he be caught. Their rights to life and corporal integrity are threatened.

6. Protests have been voiced against the moral danger facing a young spy who is found to be a traitor to his own people, who uses duplicity and deception before he really knows the meaning of his own acts, who is led to believe that the end justifies the means for the revolution of the State. They usurp the rights of others before they even have much of a notion of human dignity.

7. The popularity of spy stories and movies is a factor in making it likely that humanitarian protest will sometimes fall on deaf ears. The fact that toy manufacturers have advertised a "spy kit" so that children may learn the trade of the spy blurs the lines between spying as a game or as a necessary evil or as a reprehensible activity. For many, duplicity for a good cause is not considered morally threatening.

8. The international protocols of 1977 on international humanitarian law are clear that children under 15 should not be enlisted in hostilities. The use of children as spies is covered by these protective provisions; but there is no doubt that additional protests are valuable not only for preventing the warring powers from forcing or taking advantage of the vulnerability of certain groups of children, but also to imprint upon the public mind that the image of the child soldier as badly armed cannon fodder must be supplemented by the image of the child spy risking other dangers.

## CHRISTIAN CHILDREN'S FUND

[22 February 1991]
[Original: French]

1. The board of the Christian Children's Fund in Haiti wishes to draw the attention of the Working Group on Contemporary Forms of Slavery to the policy of restavek, which constitutes a form of slavery in Haiti, and involves children in domestic service with "adoptive families".

2. This system, which is still common among extremely poor families who are unable to pay a servant, leads to children in domestic service being subjected to all kinds of physical, sexual, psychological and other forms of violence. In addition, in most cases the system does not even guarantee that the child's basic needs will be met (food, shelter, schooling), although this is the objective sought by its natural parents.

3. Your attention is also drawn to the fact that the majority of children in domestic service are girls (who perform household tasks), as boys soon flee the ill-treatment to become "street children", while girls endure the treatment until they reach puberty, before leaving to work as paid servants or to swell the ranks of prostitutes.

4. The practice of restavek is a breach of the Convention on the Rights of the Child and of the conclusions of the World Summit for Children. The Christian Children's Fund sincerely hopes that this file will be kept open and will remain on the agenda of United Nations bodies to allow international cooperation until specific measures are adopted to control and definitively eliminate the practice.

5. The second practice to which attention should be directed, as it also constitutes a contemporary form of slavery is "zombification". By using certain methods that have not yet been scientifically clarified, it is allegedly possible to transform individuals into living corpses, which are buried as if they were dead. After some time, it is possible to exhume them and to use them as labour, mainly in the fields. Persons who have been subjected to this pseudo-death apparently retain all their physical strength, but suffer from a form of mental stupor which prevents them from reacting against any ill-treatment and leaves them entirely dependent on their owner. To complete the picture, it should also be emphasized that this practice allows people who own large areas of farming land to purchase zombies from a criminal "hougan".

6. There is no need to point out that this practice bears all the marks of slavery.

## COALITION AGAINST TRAFFICKING IN WOMEN

[3 June 1991]
[Original: English]

1. The Coalition Against Trafficking in Women wishes to state that, in its view, the approach to prostitution according to which different kinds of prostitution are identified suggests that there are instances of prostitution that do not violate the human rights of women. This approach is dangerous to women and antithetical to the spirit and intent of human rights and it is the consequence of two phenomena: (1) the presence of a powerful pro-prostitution lobby, especially in Europe, with vested economic interests in the sex industry, which promotes prostitution as casual and inconsequential in its effects; and (2) the distinctions made among human rights advocates and in the 1949 Convention itself between free and forced prostitution which serves to make one form of exploitation more acceptable than another. Likewise, we note that in regard to prostitution, the 1979 Convention on the Elimination of All Forms of Discrimination Against Women, adopting the language of the 1949 Convention, provides no substantial protections against prostitution which is, in fact, a severe form of sex discrimination.

2. Today, prostitution flourishes throughout the world, destroying individual lives and keeping women economically marginalized. The myth that prostitution is inevitable caters to the customer's need to reduce women to sex objects which can be taken in rape or brought in prostitution. This myth is used to justify the massive prostitution of women and girls living in severe poverty in the Third World, those suffering displacement as refugees or made vulnerable by urban-rural migration. However, these problems alone do not cause prostitution, which deeply aggravates the harm experienced by women in these situations.

3. Having studied the contemporary conditions of prostitution, the Coalition finds that it is concentrated in several forms. Organized prostitution includes military prostitution, sex tourism and mail-order brides. This prostitution is carried out through multinational conglomerates specializing in producing packages of sexual services. Entire villages in Thailand, the Philippines and other South-East Asian countries have been turned into centres for prostitution tourism for military and businessmen. Disguised traffic operates in the form of fraudulent agencies and procurers which prey on vulnerable women and children such as migrants, refugees, women working in free-trade zones and internally displaced persons.

4. In recent decades, massive increases in global prostitution have been accompanied by intensive campaigns to legitimize it. Often, especially in the West, this promotion builds upon the distinctions that have been made between "free" and forced prostitution. In Thailand, religious customs are changing in favour of legitimizing prostitution of daughters because of the income they produce for their families in poor rural villages. In the Philippines, where prostitution is illegal, it is the policy to consider the large number of women in prostitution in the tourist industry as "entertainers", thereby evading the law. In the Soviet Union, according to a recent poll, prostitution is one of the top ten aspirations of young women. In some

European States, new policy not only legitimizes prostitution, it eliminates restrictions against pimping: "It follows from the right of self-determination, which is enjoyed by an independent adult man or woman on whom no unlawful influence has been brought to bear, that he or she is at liberty to decide to act as a prostitute and allow another person to profit from his own earnings." (United Nations, document E/1990/13, p. 7)

5. Research and women's testimony have established the close connection between childhood sexual abuse and prostitution. But prostitution is sexual exploitation which violates women and children whether or not there was prior victimization. As long as prostitution is ignored as a human rights violation of women, and men can buy sex and the bodies of women with impunity, different and more degrading inhuman practices will flourish placing the human rights of both prostitute and non-prostitute women increasingly at risk.

6. Women's movements have progressed in creating consciousness of the need to combat violence against women. However, internationally and nationally, considerable confusion and contradiction remain in the area of sexual exploitation. Evidence of that confusion is that while rape, sexual harassment and incest are treated as violations of women's dignity and rights, prostitution is not. Rather the prostitute woman is either treated as a criminal or considered a "professional", and both approaches falsely separate prostitution from sexual exploitation. Prostitute women are subjected to different standards of justice: what constitutes sexual violation of non-prostitute women is considered either "free" or merely "lewd" for women in prostitution. As long as prostitution is treated as being different from women's common experience of sexual exploitation, the prostitute woman is dehumanized and her human rights denied.

7. Pro-prostitution organizations have conflated women's rights with "prostitution rights". Women's rights have already been established universally and their protection must be extended to all women in prostitution including: the right to a decent standard of living and to work that does not dehumanize, the right to custody of one's children, the right to protection from sexually transmitted diseases, the right to a private life as well as freedom from ostracism for being a prostitute. However, the pro-prostitution lobby subordinates these rights to the "right to prostitution", which is represented as a women's choice.

8. Prostitution cannot exist as a right because it usurps and negates prostitute women's right to human dignity, bodily integrity and physical and mental well-being and it constitutes severe sex discrimination. It denies equality, promotes racism and sexism through stereotypes that sexually exploit women, and violates established human rights including articles 1, 4 and 5 of the Universal Declaration of Human Rights. A "right to prostitution" would nullify all other protections of women's human rights, both for the woman prostituted and ultimately for all women.

9. Today, the 1949 Convention has only limited value in protecting women's human rights because: (1) it promotes decriminalization which frees the customer to buy sex; (2) it ignores the element of sexual exploitation in prostitution; and (3) it does not account for the role of prostitution in the overall subordination of women in society. However, because it prohibits

pimping, the 1949 Convention should be strengthened, especially in terms of monitoring, with "proxenetism" broadened to include the industries that promote prostitution.

10. The Coalition calls for a new approach to prostitution which recognizes that it is sexual exploitation. This approach must be developed based on universal standards of human rights and applicable to all persons subjected to sexual exploitation. Sexual exploitation has been the missing dimension in accounting for violations of women's human rights since the 1949 and 1979 Conventions. In considering prostitution as a human rights violation the Coalition against trafficking in women has established a common context shared by victims of other forms of sexual violence and by prostitution.

11. Some elements that could be included in a new United Nations Convention against sexual exploitation are the following:

Sexual exploitation is a violation of human dignity, therefore:

1. It is a fundamental human right to be free of sexual exploitation.

2. Sexual exploitation is a practice by which person(s) achieve sexual gratification or financial gain or advancement through abuse of a person's sexuality by abrogating that person's human right to dignity, equality, autonomy, and physical and mental well-being.

3. Sexual exploitation takes the forms of, but is not limited to, sexual harrassment, rape, incest, wife abuse, pornography and prostitution. Exploitation of prostitution includes casual, brothel, military, pornographic prostitution and sex tourism, mail-order brides, and trafficking in women.

4. As sexual exploitation violates human rights, in prostitution we must depenalize the prostitute, penalize the customer and anyone who promotes sexual exploitation to achieve sexual gratification or financial gain or advancement including pimps and procurers.

5. Sexual exploitation violates the human rights of anyone subjected to it, female or male, adult or child, Western or Third World persons. Therefore this definition rejects any of these distinctions as artificial and serving to legitimize some prostitution.

6. Sexual exploitation preys on women and children made vulnerable by poverty and underdevelopment, status as refugees or displaced persons, and economic policies which promote immigration for labour.

7. Sexual exploitation of women through prostitution victimizes women both within and outside of prostitution. When prostitution is accepted and normalized, what is legitimized is the sale of the body and sex of the individual prostitute and it is the sale of any woman. It reinforces the societal equation of women with sex which reduces women to less than human and contributes to sustaining women's second-class status throughout the world. When prostitution is accepted, what is legitimized is not only the sale of sex and of the individual prostitute, the sale of a woman, but it is also the sale of any woman.

INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

[15 June 1991]
[Original: English]

Report on transplants of organs taken from destitute children

1. The IADL has always opposed the violations of human rights everywhere in the world and has been one of the first NGOs to denounce the exploitation of children for immoral purposes. This met with great scepticism at first because nobody could believe that anyone could use very small children, from 3 to 10 years old, for such practices. However, it brought considerable amounts of money to traffickers belonging to various mafias.

2. Several years later we have become aware of a problem even more cruel and even more difficult to believe: the transplant of organs taken (illegally of course) from destitute children and sold to richer people. The matter came up at the same time in six countries where there was great poverty together with much uncertainty in the police and the judiciary. Father Barruel of Brazil was one of the first to mention this tragedy. He showed to the Sub-Commission on Human Rights an article in Témoignage Chrétien, followed shortly afterwards by an important report in Libération describing the traffic of organs. The countries indicated were Guatemala, Brazil and Haiti, to which one could add, according to several witnesses, Colombia, the Dominican Republic and India.

3. In Colombia recently a group of journalists who had gone to report on the political situation discovered by chance, and thanks to a man who has dedicated his life to the poor children of Bogotá, a four-year-old girl whose eyes had been pulled out after she had disappeared from the street where she was playing in a barrio of Bogotá; she was found still alive, with a note pinned on her dress saying "Thanks for your gift" and a 500 peso banknote. The journalists also related several other documented incidents of this nature amongst others:

4. The man who protects the children of Bogotá and who showed to the journalists the mutilated children was ready to come and testify before the Working Group on Slavery, but it could not be arranged. He did, however, write the following to the IADL:

> "For several years one has spoken about a traffic of organs for transplants (eyes and kidneys); witnesses to these facts can be found amongst the inhabitants of the barrios, such as Lucero Alto. The monthly El Tiempo mentioned in 1989 that five gamines had been found dead on the street with empty sockets.
>
> "There are five eye banks in Bogotá (a town famous for its ophthalmological clinics, a heritage of the Spanish tradition) and it was noted that there was a strange traffic going on between the hospitals of the south and those of the north of the city. Some doctors, for instance, said to a mother, "your son has a brain tumor, it is better to take his eyes out". This child is now in a home for the blind and never had a brain tumor. In another hospital other doctors said to a mother

we have given a drug to your son and for that reason the child has lost his eyesight; we had to take his eyes out." There is also the case of Judith: her son was in hospital and she was prevented from seeing him. One night she entered the room of the child without authorization and she saw then two doctors with chupas (medical suction instruments) who were trying to take out the eyes of the child. She could get away with the boy but the marks of the chupas remained around the eyes; he died later on in a strange way ..."

5. In Bogotá daily murders are committed against children by paramilitary and private groups such as "Muerte a Gamines". A team from a humanitarian institute with a doctor spends nights sewing up the wounds and caring for wounded children since there is no emergency medical service for them in Bogotá. A great many killers kill in the streets and of approximately 12,000 street children, only about 1,000 now remain. They are often executed, according to a witness, by a bullet in the head on the Road of Choachi. The word "Montserrate" means the sloping banks of the Road of Choachi and the children know well what it means. Among the disappeared children it seems that quite a number have been utilized for organ transplants. The Colombian authorities would like to put an end to that situation but they are not always aware of what exactly goes on.

6. The newspaper men, authors of the film "The Gamines of Bogotá" have not been able to go back and complete their research for security reasons. The witnesses of these crimes are constantly threatened and are in danger themselves all the time. The film was shown on French television under the title Les enfants perdus de Bogatá.

7. The Argentine writer Alicia Ortiz has published a book about Bogotá. The distress of the street children impressed her; she writes: "I was asked if I had not heard of the clinics network. For a long time in the slum districts of Bogotá people talked about a nurse who was looking for children, gave them candy and took them away in a white car. Some disappeared forever, others were found blind; their eyes had been taken out. Later on one heard that foreign clinics looking for eyes, hearts and kidneys to transplant them on their patients came to Bogotá to get enough fresh supplies. (A. Ortiz, Bogotá, pp. 59-60, Ed. Champ Vallon).

8. An article by Gilles Smadja in l'Humanité (24 April 1991) has been brought to our attention. It concerns traffic in organs practised on destitute children in the Dominican Republic. Traffickers would pay to the family of a child $400 to $1,700 according to its weight and the size. These children were brought to clandestine clinics and operated on for organs that would be sold for between $10,000 and $50,000. Those who survived remained crippled, many obviously died. According to the police 23 Dominicans were involved in the traffic, but the owners of the clinics, the surgeons and the invisible beneficiaries were impossible to find.

9. In February 1990 a Haitian, M. Bourjolly, declared to the organization Enfants du Monde that a traffic in organs taken from adults and children could not be contested. Enfants du Monde said that "teams in Haïti were then investigating the traffic in organs taken from children ... the problem was real but one did not know yet how vast it was."

10. In January 1990, a Catholic magazine quoted Carlyle Guerra de Macedo, of the Pan-American Health Organization, who had written that the traffickers didn't only manipulate the adoption market, but also extended their market to the traffic in organs taken from children for medical transplants; the case of a 10-year-old girl from Chili that the traffickers had abandoned after having taken one of her kidneys was a recent example.

11. As far back as July 1989 a New York City newspaper had published an article entitled "Human organs: global trade thrives" and quoted Dr. Jorge Neumann of the Institute of Cardiology of Sao Paulo, member of the Brazilian Association of organ transplants, who declared that there was a definite risk of a black market of organs in Brazil; this confirmed the statements of Father Barruel.

12. In Guatemala, stories in the local press and testimony of Guatemalans themselves also mention organ transplants.

13. The alarm has also been given concerning traffic in kidneys in India, in Bombay in particular. Le Monde published an article on this subject, mentioning in particular an intense traffic between the United Arab Emirates and Bombay. (The Lancet in Great Britain was the first to publish a communication on the subject, on 22 September 1990.)

14. WHO, preoccupied by this situation, has formulated directives for organ transplants. They are particularly anxious to stop the spreading of the AIDS epidemic through the use of transplants from infected people. In the United States three persons died and two others became seropositive from an infected donor whose organs and tissue had been distributed to 30 American hospitals by a firm in Virginia, Lifenet Transplantation Services. Now the health services are trying to locate the 58 persons in 16 States who have received these grafts from the donor. (Le Monde, 21 May 1991).

Witnesses

15. The director of the refuge in Bogotá is an eye witness to the murders of many children; he has gathered many documents and has recently sent us a film about blinded children. He is however constantly under threat for his life and has not dared come to testify openly in Geneva.

16. Another witness is a functionary of the Government of Colombia, who has also seen what has been described by the director of the refuge. The governmental official does not think the drug barons are involved in the murder of the children, only "Muerte a Gamines" and criminals and paramilitary groups; he said that he had heard of several gamines killed by the police.

17. Both men said that everybody knew about the tragedies of the street children, yet silence was imposed on those who could testify and threats to their lives made them avoid the subject.

18. Father Barruel, the priest who lives in Brazil and has done as much as he could for the abandoned and exploited children, said that he was preparing for the Working Group on Slavery a report on the transplant of organs taken from

very poor and unprotected children. He has been a witness to a great many tragedies involving children and various criminal groups in Brazil; we hope to have his report soon.

Support

19. The Commission for the Defense of Human Rights in Central America (CODEHUCA), based in San Jose, Costa Rica, sent to us in February 1988 a note about the traffic of children sold for organ transplants. From 1985 to 1986, they said that 166 children were exported from Guatemala without the authorities making any serious effort to trace them.

20. A representative of Venezuela also insisted at the Working Group on Slavery on the need to have a special item on the agenda about the transplant of organs so as to find out the truth about the disappearance of the "gamines".

21. We must mention here again that the traffic in organs involves the crime of enforced disappearance. This practice is now considered as a crime against humanity. During the 1990 session of the Sub-Commission on Human Rights the question of enforced or involuntary disappearances was thoroughly studied. Each State must ensure that the presumed author of a forced disappearance is brought to trial or extradited so that such persons can be brought to justice, whatever their nationality and wherever the act was committed. No State should grant political asylum or refugee status to somebody who has participated in an enforced disappearance. The crime is imprescriptible; the authors of enforced disappearances can never benefit from an amnesty, pardon, or any other measure that could exempt them from their penal responsibility.

Action by WHO

22. In May 1989 WHO issued resolution WHA 42.5 on preventing the purchase and sale of human organs. It said:

> "Concerned by the commercial trafficking in the organs of healthy donors, which exploits human distress and puts at increased risk the health of donors;
>
> "Aware that commercial arrangements for organ transplants are nevertheless being undertaken and that to date there has been little success in preventing trafficking in human organs;
>
> "Anxious to prevent the exploitation of human distress, particularly in children and other vulnerable groups, and to further the recognition of the ethical principles which condemn the buying and selling of organs for purposes of transplantation:
>
> 1. Calls upon Member States to take appropriate measures to prevent the purchase and sale of human organs for transplantation;
>
> 2. Recommends that Members States introduce legislation to prohibit trafficking in organs where this cannot effectively be prevented by other measures;

3. Urges Member States, in close cooperation with professional health organizations and supervising health authorities, to discourage all practices which facilitate commerical trafficking in organs;

4. Requests Member States to report as soon as possible to WHO on action taken with respect to this resolution;

5. Requests the Director-General to report to the 44th World Health Assembly the measure taken by the governments of Member States in furtherance of this resolution."

This resolution shows very clearly the concern that WHO felt about the traffic in organs, which had come to its knowledge from various sources.

23. In document WHA/44/11 of the 44th World Health Assembly in 1991, WHO returned to this subject:

"Continuous improvements in medical technology ... have brought about expansion of the practice and an increase in the demand for organs. A feature of organ transplantation since its commencement has been the shortage of available organs. Supply has never satisfied demand and this has led to the development in many countries of systems to increase supply. ... Shortage has led to the rise of commercial traffic in human organs particularly from living donors unrelated to the recipients. There is clear evidence of such traffic in recent years and fear has arisen of the possibility of related traffic in human beings. Health Assembly Resolutions WHA 40.13 and WHA 42.5 are an expression of international concern over these developments."

24. A number of guiding principles have been presented in relation to these considerations:

(a) Guiding principle 4: "No organ should be removed from the body of a living minor for the purpose of transplantation. Exceptions may be made under national law in the case of regenerative tissues";

(b) Guiding principle No. 5: "The human body and its parts cannot be subject of commerical transactions. Accordingly, giving or receiving payment (including compensation or reward) for organs should be prohibited";

(c) Guiding principles No. 7: "It should be prohibited for physicians or other health professionals to engage in organ transplantation procedures if they have reason to believe that the organs concerned have been the subject of commercial transactions";

(d) Guiding principle No. 8: "It should be prohibited for any person involved in organ transplantation procedures to receive any payment that exceeds a justifiable fee for the services rendered".

25. A commentary on guiding principle No. 4 repeats the absolute prohibition of the removal of organs for transplantation from legal minors and a commentary on guiding principle No. 7 strictly forbids physicians, medical

professionals and others involved in removal, intermediate management and implantation of organs with knowledge actual or constructive that commercial transactions have occurred.

26. On the international level, the Council of the Transplantation Society also proposed guidelines in September 1985. In paragraph 3, it is stated that "active solicitation of living unrelated donors for profit is unacceptable". In a Special Resolution the Council declared that "no transplant surgeon team shall be involved directly or indirectly in the buying or selling of organs or any transplant activity aimed at a commerical gain". In May 1978 the Council of Europe adopted an article 9 to Resolution R (78) 29 also forbidding that a human substance be offered for profit. In July 1986, the European Dialysis and Transplant Association approved a statement which read: "the practice of organ transplantation involving coercion or payment to a donor to induce him to donate an organ is unacceptable within ethical medicine. All responsible clinicians should make every effort to ensure that they do not become involved in transplantation from paid or coerced donors. In November 1987 a Conference of Health Ministers in Paris wrote a text with the two following paragraphs: "A human organ must not be offered for profit by any organization, organ banking centre or any individual whatsoever ... Neither organizations nor individuals should advertise outside their national territory either for donation or transplantation".

26. In October 1985, the 37th World Medical Assembly in Brussels noted that "in the recent past a trade of considerable financial gain has developed with live kidneys from underdeveloped countries for transplantation in Europe and the United States". The Governments are called upon in all countries to take effective steps to prevent the commercial use of human organs.

27. A Congress on Ethics, Justice and Commerce in Transplantation (Ottawa, August 1989) wrote a resolution confirming that the "buying and selling of human organs and tissue for transplantation is unacceptable", while resolution 4 (alleged criminal actions to obtain organs) reads as follows: "Criminal activity to obtain organs for transplantation is abhorrent. No evidence was presented to substantiate allegations of illegal and criminal acts to obtain organs but such allegations impose a duty to continue investigation by appropriate authorities".

28. Document WHA/44/11, from which this information is taken, clearly demonstrates the very serious preoccupation of WHO concerning the traffic in organs. As one representative said at a meeting, "everybody knows that such traffic exists but nobody can bring definite proof of it". No wonder, when the traffic is in the hands of criminals used to clandestinity and to protection from the very authorities who should try to arrest them.

29. The same document states that the State of Maharashtra in India appointed a special committee to examine commercial transactions in human organs ... the committee submitted a draft bill to prohibit trafficking of any nature in human organs for transplantation purposes and it is expected that this bill will become law before the end of 1990", which it did not. In January 1991 Mrs. Lakshmi Menon of Bombay wrote:

"In India the sale of kidneys from live donors is very common and there is an organized racket in this trade. Top medical surgeons are also sometimes involved in aiding and abetting in this crime. The problem has gained international dimensions with rich Arabs, Malaysians and Singaporeans (patients) coming to India to buy kidneys ... donors are pressurized into donating their kidneys for money. On account of their lack of education and their impoverished state their donation is said to be an 'informed consent'. The India TV is now making a film on organ transplants but it is needless to say that it is going to be highly controversial and also dangerous for the film crew and the journalists. The agents who coordinate the sale of organs have contacts with the underworld or are themselves criminals. Moreover the doctors who have an economic interest in this trade do not encourage journalists and researchers. Even during my initial research I was also intimidated."

30. As a conclusion of the 1991 World Health Assembly, the Assembly asked the Director-General to examine the guiding principles in the light of the experience of countries which would apply them and of new facts having appeared in the transplantation of human organs. (Doc. WHA/44/VR/11, 13 May 1991).

31. We must also mention the case of the donor who cannot give his consent. The consent of the donor is essential to allow legally the transplant of the organ. Encephalitic children are, of course, incapable of giving any kind of consent, yet they are potential sources of organs for transplantations because the rest of their organs are perfectly healthy. One must, however, distinguish between the medical aspect and the ethical and legal aspect. If the encephalitic child has a family, consent to the transplantation can be given by his parents or relatives. But what of an abandoned encephalitic child? The child dies and is immediately used for these costly transplantations. What does "immediately" mean exactly? As quickly as possible, without the formalities or precautions used in the case of a child who has a family responsible for him and for deciding what will be done along with the doctors and surgeons? There are now associations studying the social, legal and ethical questions concerning encephalitic children.

32. We find that there are many fields towards which our reflexions should be oriented concerning what was to be the great and happy progress of science and is now fraught with injustice, fraud and crime, for many instances of which it is difficult to obtain proof or evidence. (Médecine et Hygiène, 49ème année, February 1991)

## INTERNATIONAL CATHOLIC CHILD BUREAU

[19 June 1991]
[Original: French]

Prostitution and child pornography

1. ICCB has just completed a book containing information on preventive projects and projects for the rehabilitation of the child victims of prostitution in some 20 countries. The book is entitled The Sexual Exploitation of Children: Field Responses.

2. In November 1990, in Latin America, ICCB organized a regional conference on children, with a workshop devoted to child prostitution. Subsequently, in the autumn of 1991, in Buenos Aires, a seminar of experts from the field will assess projects under way in five countries in the Southern Cone.

3. In Africa, ICCB is cooperating with the International Abolitionist Confederation (IAF) and with Environmental Development in the Third World (ENDA), in organizing a symposium entitled "Culture, sex and money", to be held in Côte d'Ivoire in 1991. On that occasion, the Catholic Church in Côte d'Ivoire, in conjunction with ICCB, will open two homes for young girls who are victims of prostitution. A survey of the situation of child prostitution is under way in Abidjan.

4. In Asia, ICCB is cooperating in the implementation of the campaign against sexual tourism and child prostitution and its ramifications in Europe, in particular in France and Belgium, and in the United States.

5. A project for action in southern Asia, and possibly in India, is in preparation.

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Sub-Commission on Prevention of Discrimination
and Protection of Minorities
Working Group on Contemporary Forms
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Sixteenth session
29 July-2 August 1991
Items 4 and 5 of the provisional agenda

# PREVENTION OF TRAFFIC IN PERSONS AND THE EXPLOITATION OF THE PROSTITUTION OF OTHERS

# REVIEW OF DEVELOPMENTS IN OTHER FIELDS OF CONTEMPORARY FORMS OF SLAVERY

## Information received from non-governmental organizations

## Note by the Secretary-General

## Addendum

The present document contains a statement submitted by Anti-Slavery International entitled "Migrant domestic workers" and a joint statement by Anti-Slavery International supported by Defence for Children International and International Catholic Child Bureau entitled "Measures to improve the effectiveness of the Working Group".

GE.91-12308/6533a

## I. MIGRANT DOMESTIC WORKERS

1. Last year Anti-Slavery International (ASI), under its former name of Anti-Slavery Society, reported to this Working Group that the working conditions of female domestic helpers employed in foreign countries frequently amounted to a form of contemporary slavery.

2. A case currently before the courts in the United Kingdom would suggest that the young female plaintiff has experienced this form of contemporary slavery. She was reportedly brought from her Nigerian village when aged about 16 and employed as a domestic by a wealthy Nigerian couple living in the north of England. The girl's wages of £2 a month were sent home to her parents and her working day was 18 hours long. As no judgement has yet been reached in the case it would be improper to comment further except to repeat the words, already in the public domain, of her barrister:

> "(the girl was kept) in conditions it can only be right to describe as akin to slavery."

3. The exploitation of domestics in the United Kingdom would appear to be different from that obtaining in other EEC countries and in, amongst other nations, the Gulf States, Lebanon, Israel, Iraq (before the recent conflict), Hong Kong and Singapore. Overwhelmingly, employers of Britain's 3,000 or more enslaved domestics are foreign nationals, usually citizens of Gulf nations, who bring their servants with them when visiting the United Kingdom. They import slavery along with their baggage.

4. Until the spring of this year, the British Government had refused to acknowledge that its stipulation that overseas domestics be prohibited from changing their employers allowed labour exploitation amounting to servitude to appear in the first society legally to abolish slavery. However, after representations from London-based groups such as Kalayaan and the Commission for Filipino Migrant Workers and, significantly, after ASI's submission to this Working Group in 1990, the British Government announced new measures to come into effect on 20 May this year. Among these measures is the production of a leaflet outlining the rights of workers under British legislation.

5. ASI welcomes this change in attitude; it now urges the Home Office to address the problem of women who are incarcerated in the homes of their employers. They are effectively outside the reach of the law.

6. The bulk of the overseas domestic workers in Hong Kong, like their counterparts in the United Kingdom, come from the Philippines. It would be overstating the case to claim that these 60,000 or so Filipinos are exploited to the point of slavery, but their daily working hours are rarely made explicit in their employment contracts and, as a consequence, the working day is as long as the employers deem it to be. Unsurprisingly, this does lead to abuse as does the Hong Kong Government's "two weeks" rule.

7. Under this rule - it is not a law - domestic workers are committing an offence if they do not leave the colony within two weeks of the termination of their employment. This bears very heavily on those domestics who have been forced to run away to avoid physical and sexual abuse, or because their wages

or passports have been withheld, or because they have not been given a ticket for their journey home. The Immigration Department administers the two weeks rule and it is at its absolute discretion that aggrieved domestics trying to seek redress are issued with visitors' visas and thus allowed to stay in Hong Kong. While fighting their cases, domestic servants, usually without independent means, are prohibited from working.

8. Even those immigrant workers who find legal employment after their contract has expired must, under current procedures, return to their country of origin and apply for a new contract all over again. This necessitates unavoidable expense and delay.

9. In employment disputes, custom, practice and the whole machinery of administration are weighted in favour of the employer and against the employee.

10. According to a Hong Kong lawyer who voluntarily helps domestics in their disputes:

> The system has now become so slow and cumbrous, and weighted against the female domestic helper that ... I understand it is not at all unusual for Labour Department staff to inform female domestic helpers that there is little point in pursuing a claim against the employer both because of the procedural difficulties they will encounter and also because there are delays, aggravation and out-of-pocket expenses ...

11. The Republic of the Philippines has the dubious distinction of being the world's largest exporter of women - over a million throughout the world - though this unofficial title is being increasingly threatened by other countries in south and south-east Asia.

12. By far the majority of the women encouraged by the Government to work abroad, become domestic workers, and this includes professional women, especially teachers and nurses. They work in a number of countries, being employed directly and openly as in Hong Kong, or indirectly and semi-secretly as in Great Britain. In both the metropolitan country and in her colony overseas domestic workers are predominently Filipinos.

13. These women are constantly exhorted by the Government's Philippines Overseas Employment Administration (POEA) and the lucrative private recruitment industry to seek jobs abroad. So keen are the agencies to find clients that they will even lend the amount of their fees to applicants. These fees have been known to be as high as 60,000 pesos* (£1,200) for jobs in Europe; wages of 800 pesos (£16) a month are far from uncommon in the Philippines.

14. Although the workers are indebted to the agents and often to third persons, they are not technically bonded labourers as defined by the United Nations Slavery Convention** because they are not directly in debt

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*/ £1 = 47/50 pesos; $US 1 = 27/30 pesos.

**/ 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

to their employers. They are, however, in a vulnerable position and, it may be argued, in a condition analagous to debt bondage because:

(a) Often the debt has to be redeemed, with interest, during the first six months of employment; this means that dependents in the Philippines are deprived of remittances which in turn may increase the spiral of familial indebtedness;

(b) Being effectively deprived of income, the migrant worker is often compelled to borrow from a money-lender during the initial debt-repayment period or, as a delayed consequence of the wageless six months, later during her employment.

15. In 1982 the Philippine Government showed an awareness of malpractices in the recruitment industry and banned new applications for licences from prospective agencies while re-evaluating its licensing policy. When Cory Aquino became President in 1986, there were in excess of 700 licensed agencies. The ban was quietly rescinded this year by Executive Order 450 issued by Executive Secretary, Oscar Orbos.

16. The Manila-based non-governmental organization concerned with migrant workers, Kaibigan, immediately called for the repeal of the Order on the grounds that it "will open wide the door for the entry of new vultures that will prey on hapless victims whose ranks have swollen due to aggravating misery and poverty they experience ...".

17. ASI joins Kaibigan in urging the Philippine Government to proceed with a thorough review of both the recruitment agencies and of licensing policies. ASI also share Kaibigan's view that the ban itself resulted in applicants falling prey to illegal recruiters, and that lifting the ban virtually arbitrarily makes them vulnerable to more abuse and exploitation.

18. That female domestic workers do suffer abuses, mainly through debt and through being duped, has been implicitly recognized by the recent proposal of the Secretary of Labour, Ruben Torres, that prospective contract workers in Hong Kong be dealt with exclusively by the POEA. There is to be no role for private recruiters. This is a welcome development as long as it is accompanied by strict and enforceable counter-graft measures.

## Recommendations

19. Anti-Slavery International recommends in:

(a) the United Kingdom:

(i) That domestics brought in as employees of foreign nationals be given work visas;

(ii) That they be given a written employment contract;

(iii) That they be allowed to leave abusing employers and to seek alternative employment during their period of legal residence in the United Kingdom;

(iv) That employers of overseas domestics be given a code of practice in line with British employment legislation;

(v) That a system of spot checks be set up;

(b) Hong Kong:

(i) That the authorities, including the Legislative Council, cooperate with nongovernmental organizations and concerned lawyers to replace the two weeks rule with legislation in conformity with acceptable standards of human rights;

(ii) That daily hours of work and time off be written in to all migrant workers' contracts;

(c) the Philippines:

(i) That Executive Order 450 be immediately repealed and that United Nations bodies such as the International Labour Organisation be approached to review recruitment policies and practices;

(ii) That, with suitable safeguards, the plan to recruit workers for Hong Kong exclusively through POEA be made a reality as soon as possible;

(iii) That the Philippine authorities enter into Government-to-Government agreements with all nations employing their nationals.

20. In addition, Anti-Slavery International welcomes the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and notes especially article 11(1):

> No migrant worker or member of his or her family shall be held in slavery or servitude.

21. ASI urges, through the Chairman of the Sub-Commission, all those Member States of the United Nations which have not done so, to ratify the new Convention as a matter of urgency.

## II. MEASURES TO IMPROVE THE EFFECTIVENESS OF THE WORKING GROUP

22. By resolution 1989/35, the Commission on Human Rights requested the Secretary-General to undertake a study of the ways and means by which an effective mechanism may be established for the implementation of the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949. The report (E/CN.4/Sub.2/1989/37) cites many resolutions, surveys, reports and recommendations over the years referring to the inadequacy of the mechanisms for the implementation of the three conventions. Part of the report looks at

the mandate, role and functioning of the Working Group on Contemporary Forms of Slavery. It is in this context that the organizations co-signing this document would like to make the following comments.

23. It is apparent that one of the major weaknesses of the present system is in its reporting. There are three main areas:

(a) Reports submitted by non-governmental organizations are not usually communicated to the Governments concerned. Of course, some NGOs do submit their reports directly to Governments. However, reports submitted by the Working Group itself with comments and/or questions could be more effective in soliciting a substantive response;

(b) States parties do not in general feel obliged to submit reports to the Working Group. Some do reply to reports submitted by NGOs, many do not. Very few States parties submit reports on the situation in their countries. There is no mandate at the moment for the Working Group to receive regular reports from States parties, nor, in particular, to examine the working of any laws, regulations or administrative procedures pertaining to slavery-like practices;

(c) It is apparent that the elimination of contemporary forms of slavery requires concerted action by the international community, Governments and NGOs. It is important that the specialized agencies recognize the complex nature of contemporary forms of slavery and identify areas within their work which might facilitate elimination of such practices. In particular, information is notable by its absence from United Nations representatives in the countries where such practices are widespread;

(d) Written submissions could be especially useful from United Nations agencies and organs.

24. Although the Working Group continues to be flexible in its methods of work, lack of resources means that information is often not given directly by organizations from the countries most affected. In this regard, it is hoped that the proposal to establsh a voluntary fund for the use of the Working Group is accepted by the General Assembly. As well as assisting people to attend the Working Group from the countries affected it is hoped that funds could also be made available for regional seminars, special reports, advisory services, etc., as suggested by the Secretary-General.

25. At the forty-seventh session of the Commission on Human Rights, the Secretary-General was requested to assign a full-time member of staff. The need for a permanent secretariat at the Centre for Human Rights for the Working Group has been evident from the Working Group's inception in 1975. It is vital that there is continuity between the meetings and that the members of the Working Group are kept informed of developments. A permanent secretariat would greatly facilitate the efforts of non-governmental organizations in this regard.

26. For the seventeenth session of the Working Group on Contemporary Forms of Slavery in 1992 it is proposed to evaluate the method of working by themes. Slavery and slave-like practices do not disappear overnight with simple

political or legal changes, but also require long-term economic and social changes. Three years therefore is a short time to evaluate whether a particular methodology will be effective in the long run. Indeed, the Special Rapporteur appointed as a consequence of work on the first theme will only just be submitting his report. It would be particularly useful if the members of the Working Group could give some thought to the criteria for such an evaluation.

27. The programme of working on certain themes over the last years has allowed some appreciation of the scale of the problem of contemporary slavery and the inadequacy of the international community's response. The Commission on Human Rights at its forty-seventh session indicated its grave concern that slavery, the slave trade, slavery-like practices and even modern manifestations of this phenomenon still exist, representing some of the gravest violations of human rights. It is hoped that the discussions on the theme for 1991 will facilitate debates on the implementation of the Slavery Conventions generally and the possibilities for improved monitoring procedures.

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# REVIEW OF DEVELOPMENTS IN OTHER FIELDS OF CONTEMPORARY FORMS OF SLAVERY

## Information submitted by the International Criminal Police Organization (INTERPOL)

## Note by the Secretary-General

1. In paragraph 6 of its resolution 1695 (LII) of 2 June 1972, entitled "Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism", the Economic and Social Council invited the International Criminal Police Organization (INTERPOL) to cooperate with the United Nations in its efforts to eliminate slavery, the slave trade and institutions and practices similar to slavery, and in particular to forward to the Secretary-General annually any information at its disposal with regard to the international traffic in persons, including reports on the subject received from its National Central Bureaux. In paragraph 7 of the resolution, the Council requested the Secretary-General to utilize such information to supplement information made available to him under the terms of the

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and Council resolution 1579 (L), entitled "Special arrangement for cooperation between the United Nations and INTERPOL", and to present a summary of available information to the Sub-Commission at each session.

2. The following communication dated 12 June 1991 has been received from INTERPOL.

3. The General Secretariat of INTERPOL, by means of a circular letter dated 17 January 1991, requested its National Central Bureaux as usual to report on any cases of slavery or similar practices which had come to their notice during the year 1990.

4. By 7 June 1991, the General Secretariat had received replies from 55 countries and territories. Fifty of them were entirely in the negative. They were those received from the following countries and territories:

Anguilla (United Kingdom), Argentina, Aruba, Australia, Austria, Bahamas, Bahrain, Botswana, Bulgaria, Canada, Congo, Cyprus, Denmark, Djibouti, Ecuador, Fiji, Finland, France, Greece, Hungary, Iceland, Israel, Jordan, Kenya, Lesotho, Libya, Luxembourg, Malawi, Malta, Morocco, Netherlands, New Zealand, Norway, Pakistan, Peru, Portugal, Seychelles, Singapore, Spain, Sri Lanka, Sudan, Sweden, Thailand, Turkey, Uganda, United Arab Emirates, United Kingdom, Venezuela, Yemen and Zimbabwe.

5. Three other countries, namely, the Principality of Andorra, Hong Kong (United Kingdom) and Poland, while replying in the negative to the question whether institutions such as slavery, bondage or the slave trade existed in their countries, supplied some additional information concerning their national laws, which the General Secretariat summarizes below.

6. The Principality of Andorra reported that a new Penal Code had come into force in the country on 1 September 1990. Under this Code, there is a maximum penalty of three years' imprisonment for illegal trafficking in labour, and a maximum penalty of two years and one month's imprisonment for exploiting labour by subjecting persons in precarious circumstances to unacceptable or obviously unfair working conditions.

7. The Hong Kong authorities drew attention to a bill currently before Hong Kong's legislative council which is designed to incorporate into the territory's internal law some of the provisions of the International Covenant on Civil and Political Rights, e.g. article 8 of the Covenant, which guarantees the right to protection against slavery and bondage. This bill forbids slavery and the slave trade in all their forms on the territory of Hong Kong.

8. Poland explained that under the Polish Penal Code, there is a penalty of at least three years' imprisonment for leading a person into slavery or engaging in slave trade. Elsewhere in the Code, a penalty of at least three years' imprisonment is prescribed for trafficking in women or children.

9. Two countries, Italy and the Union of Soviet Socialist Republics, furnished information about cases in which women and children were wrongfully placed in a position of dependence. In Italy, during a search of a nomad camp on the outskirts of Milan on 8 July 1990, the Italian police arrested four members of the "Cergari" tribe for reducing to slavery some 10 minors from the "Argati" group, whom they had bought or kidnapped from their families. In the USSR, no cases of slavery, serfdom, debt bondage or the slave trade came to the notice of the authorities. However, 322 cases of women forced into marriage without their consent were reported to the authorities during the year 1990.

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